IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMARY SUIT NO.1899 OF 2006

Mr. Dipak Pawar. ... Plaintiff.

V/s.

Mr. Amir K. Sayyad. ... Defendant.

....

Ms. Anjali Helekar with S.A. Abhyankar for the Plaintiff.
None for the Defendant.

....

CORAM : DR. D.Y.CHANDRACHUD,J.

03rd April 2007.

P.C. :

. The Plaintiff, claims to have supplied surgical equipment to the Defendant upon the receipt of which two cheques in the sum of Rs.26,300/- and Rs.62,500/- dated 10th April 2005 and 30th June 2005 drawn on the Bank of India were issued by the Defendant. Upon deposit the cheques were dishonoured on the ground of insufficiency of funds. A notice of demand was issued on 22nd December 2005 to which there was no reply.

2. The Defendants have been served and an affidavit of service has been filed. A compilation of the original documents has been placed on the record on the basis of which the claim in the suit stands proved. In any event, the Defendant has not entered appearance despite service of the writ of summons. The Plaintiff would be entitled to a decree in terms of the provisions of Order 37 of Code of Civil Procedure, 1908. The suit shall accordingly stand decreed in terms of prayer clauses (a) and (b) subject to the modification that the Plaintiff would be entitled to interest at the rate of 9% per annum from the date of the institution of the suit until payment or realisation. Refund of Court fees if any, as per the rules.